

MONTANA LEGISLATIVE HISTORY

Chapter 304 19 90

Bill H _____ S 234

Original bill & history / c

H. Committee on Business & Labor

Hearing Date(s) Mar 20 ☒ c

Mar 24 ☒ c

_____ c

_____ c

Date Out _____ c

S. Committee on Business & Industry

Hearing Date(s) Feb 04 ☒ c

Feb 17 ☒ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

3/18 REVISED FISCAL NOTE PRINTED
DIED IN COMMITTEE

SB 234 INTRODUCED BY BROOKE, ET AL. LC0329 DRAFTER: CAMPBELL

PROHIBIT DISCRIMINATION AGAINST VICTIMS OF ABUSE IN ALL LINES OF
INSURANCE

1/27	INTRODUCED		
1/27	FIRST READING		
1/27	REFERRED TO BUSINESS & INDUSTRY		
2/04	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	48	1
2/21	3RD READING PASSED	48	2
	TRANSMITTED TO HOUSE		
2/22	FIRST READING		
2/22	REFERRED TO BUSINESS & LABOR		
3/20	HEARING		
3/25	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/03	2ND READING CONCURRED	81	19
4/04	3RD READING CONCURRED	80	18
	RETURNED TO SENATE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	50	0
4/09	3RD READING CONCURRED AS AMENDED	50	0
4/14	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 304		
	EFFECTIVE DATE: 10/01/97		

SB 235 INTRODUCED BY HERTEL LC1154 DRAFTER: MCCLURE

ELIMINATE THE REQUIREMENT THAT SCHOOL DISTRICT TRUSTEES
PREPARE AND ADOPT A PRELIMINARY BUDGET

1/28	INTRODUCED		
1/28	FIRST READING		
1/28	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/28	FISCAL NOTE REQUESTED		
2/01	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE PRINTED		
2/03	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	39	11
2/21	3RD READING PASSED	46	4
	TRANSMITTED TO HOUSE		
2/22	FIRST READING		
2/22	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/05	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	91	6
3/26	3RD READING CONCURRED	85	14
	RETURNED TO SENATE		
4/02	SIGNED BY PRESIDENT		
4/03	SIGNED BY SPEAKER		
4/03	TRANSMITTED TO GOVERNOR		
4/07	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 211		
	EFFECTIVE DATE: 04/07/97		

Senate BILL NO. 234

INTRODUCED BY Craigh Mahlon Hallen
Bentley Herkel Shear Doherty Gunn Quinn

A BILL FOR AN ACT ENTITLED "AN ACT PROHIBITING DISCRIMINATION AGAINST VICTIMS OF ASSAULT"

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING DISCRIMINATION AGAINST VICTIMS OF ABUSE
IN ALL LINES OF INSURANCE; PROVIDING FOR AN INDEPENDENT CAUSE OF ACTION; AMENDING
SECTION 33-18-242, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Unfair discrimination against victims of abuse prohibited. (1) An insurer, health maintenance organization, or health service corporation may not, in any manner, engage in an unfair discriminatory act or practice against a victim of abuse.

(2) For purposes of this section, "abuse" means the occurrence of one or more of the following:

(a) purposely, knowingly, recklessly, or negligently subjecting or attempting to subject another person, including a minor child, to bodily injury, substantial emotional distress, psychological trauma, sexual assault, or sexual intercourse without consent;

(b) purposely or knowingly engaging in a course of conduct toward another person that constitutes stalking in violation of 45-5-220;

(c) subjecting another person, including a minor child, to false imprisonment or unlawful restraint or confinement; or

(d) purposely, knowingly, recklessly, or negligently causing or attempting to cause damage to property so as to intimidate or attempt to control the behavior of another person, including a minor child.

(3) The following acts are prohibited as unfairly discriminatory:

(a) denying, refusing to issue, renew, or reissue, canceling, or otherwise terminating an insurance policy, certificate of coverage, subscriber contract, or health care services agreement;

(b) restricting or excluding coverage under an insurance policy or certificate;

(c) adding a premium differential to any insurance policy or certificate on the basis that the applicant or insured has been the victim of abuse; or

(d) excluding or limiting coverage for losses or denying a claim incurred by an individual, insured, or participant as a result of abuse on the basis of the individual's, insured's, or participant's status as a

1 victim of abuse.

2 (4) An insurer that takes an action that adversely affects a victim of abuse on the basis of a
3 medical condition that the insurer knows or has reason to know is related to abuse shall explain the reason
4 for its action to the applicant or insured in writing and must be able to demonstrate that its action and any
5 applicable policy provisions:

6 (a) do not have the purpose or effect of treating abuse victim status as a medical condition or
7 underwriting criterion;

8 (b) are not based upon any actual or perceived correlation between a medical condition and abuse
9 victim status;

10 (c) are otherwise permissible by law and apply in the same manner and to the same extent to all
11 applicants and insureds with similar medical conditions or property and casualty risk without regard to
12 whether the condition or claim is related to abuse; and

13 (d) are based on a determination made in conformance with sound actuarial principles and
14 supported by actual or reasonably anticipated experience that demonstrates a correlation between the
15 medical condition or the type of property and casualty risk and a material increase in insurance risk.

16 (5) An applicant or insured claiming to be adversely affected by an act or practice of an insurer in
17 violation of this section may maintain an action against the insurer. Upon proof of a violation of this
18 section, the court may award appropriate relief, including temporary, preliminary, or permanent injunctive
19 relief, compensatory and punitive damages, and costs including reasonable attorney and expert witness
20 fees.

21 (6) (a) This section does not prohibit an insurer from underwriting, classifying risk, or administering
22 a contract of insurance as otherwise allowed by law based on medical information that the insurer knows
23 or should know is related to abuse as long as the insurer underwrites, classifies risk, or administers the
24 contract of insurance on the basis of the applicant's or insured's medical condition and not on the
25 applicant's or insured's status as a victim of abuse.

26 (b) This section does not prohibit or otherwise limit an insurer's ability to elicit information from
27 or about an applicant's or insured's medical history as otherwise provided by law.

28
29 **Section 2.** Section 33-18-242, MCA, is amended to read:

30 **"33-18-242. Independent cause of action -- burden of proof.** (1) An insured or a third-party

1 claimant has an independent cause of action against an insurer for actual damages caused by the insurer's
2 violation of ~~subsection 33-18-201(1), (4), (5), (6), (9), or (13) of 33-18-201~~ or [section 1].

3 (2) In an action under this section, a plaintiff is not required to prove that the violations were of
4 such frequency as to indicate a general business practice.

5 (3) An insured who has suffered damages as a result of the handling of an insurance claim may
6 bring an action against the insurer for breach of the insurance contract, for fraud, or pursuant to this
7 section, but not under any other theory or cause of action. An insured may not bring an action for bad faith
8 in connection with the handling of an insurance claim.

9 (4) In an action under this section, the court or jury may award ~~such~~ damages as were proximately
10 caused by the violation of ~~subsection 33-18-201(1), (4), (5), (6), (9), or (13) of 33-18-201~~ or [section 1].
11 Exemplary damages may also be assessed in accordance with 27-1-221.

12 (5) An insurer may not be held liable under this section if the insurer had a reasonable basis in law
13 or in fact for contesting the claim or the amount of the claim, whichever is in issue.

14 (6) (a) An insured may file an action under this section, together with any other cause of action
15 that the insured has against the insurer. Actions may be bifurcated for trial ~~where~~ when justice ~~so~~ requires.

16 (b) A third-party claimant may not file an action under this section until after the underlying claim
17 has been settled or a judgment entered in favor of the claimant on the underlying claim.

18 (7) The period prescribed for commencement of an action under this section is:

19 (a) for an insured, within 2 years from the date of the violation of 33-18-201 or [section 1]; and

20 (b) for a third-party claimant, within 1 year from the date of the settlement of or the entry of
21 judgment on the underlying claim.

22 (8) As used in this section, an insurer includes a person, firm, or corporation utilizing self-insurance
23 to pay claims made against them."
24

25 **NEW SECTION.** **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
26 integral part of Title 33, chapter 18, part 2, and the provisions of Title 33, chapter 18, part 2, apply to
27 [section 1].
28

29 **NEW SECTION.** **Section 4. Saving clause.** [This act] does not affect rights and duties that
30 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this

1 act].

2

3 **NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are
4 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
5 applications, the part remains in effect in all valid applications that are severable from the invalid
6 applications.

7

8 **NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 1997.

9

-END-

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By CHAIRMAN JOHN HERTEL, on February 4, 1997, at
9:00 A.M., in ROOM 410

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Bea McCarthy (D)

Members Excused: Sen. Debbie Bowman Shea (D)

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 193; HB 32; 1/24/97
SB 234; 1/28/97
Executive Action: HB 32

HEARING ON 234

Sponsor: SENATOR VIVIAN BROOKE, SD 33, MISSOULA

Proponents: Kathy Sewell, Public Outreach Coordinator, Montana
Coalition Against Domestic & Sexual Violence.
Marie Dunn, Park City
Russell LeVigne, MT Low Income Coalition & MT
Welfare Action Coalition
Barbara Booher, Executive Director, MT Nurses
Assoc.
Betty Waddell, MT Association of Churches
Gloria Hermanson, MT Psychological Assoc.
Kate Cholewa, MT Women's Lobby
Donetta Klein, Stevensville
Cory Laird, MT Catholic Conference
Tanya Ask, Blue Shield & Blue Cross of Montana
Frank Cote, Deputy Insurance Commissioner

Opponents: Larry Akey, Nat'l. Assoc. of Independent Insurers
Jacqueline Lenmark, American Insurance Assoc.
Tom Hopgood, American Council of Life Insurance
Susan Good, MT Assoc. of Life Underwriters
Greg Van Horssen, State Farm Insurance
Ward Shanahan, Farmers Insurance

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Count: 9:02 AM; Comments: N/A.}

SENATOR VIVIAN BROOKE, SD 33, MISSOULA. I bring you SB 234. It is an act prohibiting discrimination against victims of abuse in all lines of insurance and providing for an independent cause of action. Many are wondering if there is a problem in Montana. If there is, what are we doing? Many questions arise out of this issue because it is subtle but more than that it is insidious. The issue of insurance discrimination in this area was brought to my attention at a national conference. At that time the Women's Law Project and The Pennsylvania Coalition Against Domestic Violence had discovered this subtle form of discrimination through surveys which reveal some alarming statistics. This study is presented as (EXHIBIT 1, EXHIBIT 1A, EXHIBIT 1B).

This bill, SB 234, does provide a clear definition of abuse and it prohibits insurers of health maintenance organizations or health service corporations from engaging in unfair discriminatory acts or practices against victims of abuse. Section 1 lays out the ground rules for this prohibition. Take note of Section 1, Subsection 6 on page 2. This outlines and clarifies the insurer's rights in this regard. Section 2 provides an independent cause of action if this discrimination were ever to occur. It provides relief to the victim of discrimination. Sections 3 through 6 provide the technical parts of the bill including an immediate effective date. SB 234 is a balanced approach to this problem. We have worked with the insurance industry on this bill. We have made concessions and added language to ease concerns. At this time I would like to hand out a variety of newspaper clippings (EXHIBIT 2).

Proponents' Testimony:

Kathy Sewell, Public Outreach Coordinator, Montana Coalition Against Domestic and Sexual Violence. I would like to hand in my written testimony (EXHIBIT 3). I would also like to hand in a fact sheet (EXHIBIT 4) and a statistics sheet (EXHIBIT 5).

Marie Dunn, Park City, Victim. I would like to hand in my written testimony (EXHIBIT 5A)

{Tape: 1; Side: A; Approx. Time Count: 9:17 AM; Comments: N/A.}

Russell LaVigne, MT Low Income Coalition & MT Welfare Action Coalition. I will hand in my testimony (EXHIBIT 6).

Barbara Booher, Executive Director, MT Nurses Assoc. We rise in strong support of SB 234. We see an alarming number of domestic abuse and violence. We do not believe it is appropriate or necessary to cause them further harm and pain by making them victims of discrimination from the insurance industry.

Betty Waddell, MT Association of Churches. I will submit my written testimony (EXHIBIT 7).

Gloria Hermanson, MT Psychological Association. I will submit my written testimony (EXHIBIT 8).

Kate Cholewa, MT Women's Lobby. I will submit my written testimony (EXHIBIT 9).

Donetta Klein, Stevensville. I will submit my written testimony (EXHIBIT 10).

Cory Laird, I stand in support of SB 234 on behalf of the MT Catholic Conference. We urge your consideration.

Tanya Ask, Blue Cross & Blue Shield of Montana. As with several other pieces of legislation this bill with respect to health insurance addresses problems arising in other parts of the country. I would like to comment that Congress enacted the Health Insurance Affordability and Accountability Act, also known as Kennedy-Kassebaum. It has prohibited health benefit plans from discriminating based on an individual's status as a victim of domestic abuse. This applies to both insured plans and to self-insured plans. Montana, in implementing this federal legislation, should adopt a similar provision to allow this regulation at the state level. Blue Cross and Blue Shield supports the concept of prohibiting discrimination against victims of domestic abuse both in underwriting and benefit determination. As a local health insurer in business for 50 plus years, we are not aware of such practices having occurred in Montana with respect to benefit determination and I can tell you that most often we do not know why an individual is in the emergency room. We only know what the individual was treated for and how.

I need to raise one concern with this bill. There is a provision creating an independent cause of action in Subsection 2. In Section 1 there is already a cause of action included. I understand that there will be amendments introduced to remove this provision and would urge support of the bill with these amendments. Thank you.

Frank Cote, Deputy Insurance Commission. Does this discrimination against victims of abuse occur frequently? The answer is yes. An informal survey of the subcommittee of the U.S. House Judiciary Committee revealed that 8 of the 16 largest insurers were using domestic violence as a factor when deciding whether to issue and how much to charge for insurance. In

Pennsylvania and Kansas they have introduced facts for their states. I cannot give the committee a firm number of these cases here in Montana but I can tell you that in 1996 we had more than one case and less 100. Will SB 234 help stop this discrimination? Yes, I believe that it will. It will stop an insurer from underwriting a risk or handling a claim simply because the insured was a victim of domestic violence. SB 234 will not inhibit insurers from their quest for sound underwriting. Subsections A and B of Part 6 on page 2 state very clearly that (a) this section does not prohibit an insurer from underwriting, classifying risk, or administering a contract of insurance as otherwise allowed by law based on medical information that the insurer knows or should know is related to abuse as long as the insurer underwrites, classifies risk, or administers the contract of insurance on the basis of the applicant's or insured's medical condition and not on the applicant's or insured's status as a victim of abuse and (b) this section does not prohibit or otherwise limit an insurer's ability to elicit information from or about an applicant's or insured's medical history as otherwise provided by law. Simply stated that language allows an insurer to ask all the information that they would normally ask for but they must treat all risks the same. If they do not discriminate, they should not fear this bill. We urge this Committee to support SB 234.

{Tape: 1; Side: A; Approx. Time Count: 9:34 AM; Comments: N/A.}

Opponents' Testimony:

Larry Akey, National Association of Independent Insurers. We are not here to minimize the problems that occur with domestic violence. There may well be some discrimination in Montana and if this bill only addressed that issue, and nothing more, we would not rise in opposition. Our concern, however, is in attempting to deal with what is potentially a real problem. We reach far beyond what we need to with SB 234. You have heard substantial testimony on the extent of domestic violence and you have heard examples cited. Here is a poster board showing the same. But if you look at the fine print, you read the by-line is Miami Beach, FL. You have heard about problems in PA. and CT. We have asked the Insurance Commissioner to give us information on the extent and nature of discrimination problems related to domestic abuse in Montana and they have been unable to do so. We ask for that information because our trade association is very serious about this issue and will work with member companies within the trade association to deal with this issue without this kind of over-reaching statute.

A second problem we have with this legislation is with its timing. There is a growing recognition of the need for some kind of statutory framework at the National Association of Insurance Commissioners (NAIC). NAIC is comprised of all 50 insurance commissioners around the country. Part of their job is to develop model laws and model regulations that can spread across

the country and be adopted by each legislature. NAIC is still in the process of developing model laws for all types of insurance except for accident and health (disability insurance). There is a NAIC model law for health insurance. I would anticipate that in two years these model laws will be ready and available.

Thirdly, we oppose this bill because of specific problems with the legislation. **SEN. BROOKE** has worked diligently to address some of the industry's concerns. Unfortunately, we don't believe that her modifications have gone far enough in three specific areas. **SEN. BROOKE** has said there is a clear definition of abuse in this bill and in fact there is a definition of abuse. The difficulty we have with this definition is that it is applied only to insurance companies and goes far beyond what the definition of domestic violence and abuse in other parts of statute and in particular with respect to my property and casualty companies, we are concerned about Section 1, Subsection 2 (d) which defines abuse as purposely, knowingly, recklessly, or negligently causing or attempting to cause damage to property so as to intimidate or attempt to control the behavior of another person, including a minor child. The bulk of the testimony of the proponents dealt with bodily injuring and that is how domestic violence is defined in other parts of the statute. This would apply property damage to the definition of domestic violence. This is the only place in the statute where that occurs and we have some problems with that. If it is good for the goose it ought to be good for the gander. If you include property damage in the definition of domestic violence, amend the rest of the statute to do that. Let's not limit it to just insurance companies.

Ms. Ask indicated that we had some significant concerns with Section 2 of the bill which gives rise to an independent cause of action. I point out to you that the NAIC language on health insurance provides that unfair discrimination on health insurance based on abuse status is, in fact, unfair discrimination and gives the Commissioner the opportunity to enforce that statute. This bill would say that anyone who alleges that they have been discriminated against on the basis of domestic abuse, without going to law enforcement, without going to the Commissioner's office can go straight to district court and sue our company. And this bill shifts the burden of proof from the person alleging that they have been discriminated against to the company. That is in Subsection 4 of Section 1.

Finally, Subsection 6 of Section 1, a section that **SEN. BROOKE** added to the bill in response to our concerns say that an insurer may consider the medical information on a reported abuse victim in determining rates and in determining underwriting criteria, but it doesn't allow it to consider property and casualty risks. From the perspective of my companies, if we are going to move forward with this bill, Subsection 6 needs to allow us to consider not only medical information, but property and casualty risk as well. We would ask this Committee to hold action on this

bill in this session and look at the model laws that will come from NAIC.

{Tape: 1; Side: A; Approx. Time Count: 9:42 AM; Comments: N/A.}

Jacqueline Lenmark, American Insurance Association. Mr. Greg Va Horssen, representing State Farm Insurance, has also asked me to indicate his opposition to SB 234 as he is in another committee meeting. I will not repeat the comments that Mr. Akey presented. We have the same concerns about this piece of legislation as were raised by NAIC. I would like to focus the Committee's attention to two areas of the bill that cause particular problem. From my perspective as a defense lawyer and also as a representative of the property casualty industry, the definition of abuse raises concerns. If you look at the definition you will see included in that definition the negligent subjection or attempting to subject another person to: (a list of various acts are here). These are the very acts that defense lawyers defend against and everyday litigate on nearly every auto accident, accidents that have nothing to do with domestic violence. I would urge the Committee to look at the language of this bill. Throughout that definition there is overbreadth in terms of trying to attack this serious problem.

The other issue that we have with this legislation is the independent cause of action. It is important to know the history of this statute in Montana code. 33-18-242 was enacted as a specific compromise during court legislation a number of sessions ago to deal with only the unfair settlement of insurance claims. This statute should not be expanded to include new causes of action that don't have to do with that particular topic. The Insurance Commissioner has sufficient regulatory authority to address this problem. He has an adequate arsenal of other penalties and measures that he or she can use to enforce this kind of legislation should it become necessary. Using this particular section of code, however, is inappropriate for the problem that is being addressed here. With that, we would urge this Committee delay action on this bill until there is NAIC language to look at. If you go ahead with this bill, we would request Section 2 of the bill be stricken.

{Tape: 1; Side: B; Approx. Time Count: 9:47 AM; Comments: N/A.}

Tom Hopgood, American Council of Life Insurance. I would like to state it is the very firm announced policy of the ACLI to support legislation which prohibits discrimination based upon a person's status as a victim of abuse. I would like to pass out the ACLI amendments to SB 234 (EXHIBIT 11). We applaud the efforts of the sponsor and the Commissioner's office and believe SB 234 is a well-intentioned bill. The changes make it more palatable and closer in line with legislation which ACLI would be proud to support, but we're not quite there yet. If the amendments are not placed on the bill, we would like to see it tabled. We think it is imperative to avoid conflicts with other states in the

context of this law and would suggest the Legislature wait on this issue until a model act is enacted for all lines of insurance. The problem described by **Marie Dunn** seems to not be with discrimination based on being a victim of abuse but upon an insurance company's hesitance to pay the claim based upon the insured burning down his own house. I would also like to comment on **Frank Cote's** testimony there is more than one case but less than 100 -- that is a big range and I would suggest we are closer to one than 100. I would like to point out the following amendments corrections: (1) Amendment #25 -- change "underwrites" to "underwriting"; (2) Amendment #27 -- change "underwriters" to "administers". [Mr. Hopgood explained the rest of the amendments. ED.] We suggest the amendments be placed on SB 234 and I will be happy to discuss them with Committee members.

Susan Good, Montana Association of Life Underwriters. We understand the consequences of domestic violence and would abhor any discrimination which would occur. We listened to **Tom Hopgood's** amendments and we could support SB 234 with the amendments because we believe it goes to the actual intent of the sponsor.

Ward Shanahan, Farmers Insurance Group. I would like to echo **Larry Akey's** comments that we are a casualty and property insurer and we don't think SB 234 distinguishes the difference. We would be favorable to waiting until 1999 when the NAIC bill comes.

{Tape: 1; Side: B; Approx. Time Count: 9:58 a.m.; Comments: N/A.}

Questions From Committee Members and Responses:

SEN. BEA MCCARTHY asked if insurance discrimination included life, health and property insurance. **Larry Akey** said it encompassed all lines of insurance. **SEN. MCCARTHY** asked if the history of the abuse goes with the victim regardless of the change in circumstances. **Mr. Akey** said his property and casualty companies do not consider whether the person is a victim of domestic abuse in the underwriting decision. They will look at past claims history and other underwriting factors. If the past claims history indicates a higher risk than is acceptable to the company, coverage will be denied or written at a higher premium. The language of SB 234 raises a question of whether a claims history results in an unfair discrimination based on the assertion the applicant is a victim of domestic abuse. That's why we believe SB 234 is over-reaching. While on one hand we're allowed to look at medical information (and if SB 234 moves forward, we will ask for property and casualty risk as well) as part of our underwriting decision, we're forced to prove we didn't look at the information in a way to discriminate against a person who at one time claimed to be a victim of domestic abuse. **SEN. MCCARTHY** asked how long the history was kept. **Larry Akey** said he did not know.

SEN. WILLIAM CRISMORE asked for examples from the Insurance Commissioner. **Frank Cote** said their current computer system does not allow them to sort that information. The only way we know about a case is for someone in the policy holder services department to remember it was domestic abuse. That information comes from the numbers reported; however, many cases go unreported. **SEN. CRISMORE** commented the records would have to be sorted by hand in order to come up with any complaints. **Mr. Cote** said that was correct.

SEN. STEVE BENEDICT asked why more was not heard about domestic violence occurring with men. **Kathy Sewell** said her handout listed how many men; in fact, in the past year they worked with 170 men reported as victims of domestic violence. All of their programs serve men, though they can't house them in the same shelter as the women. Of all domestic abuse cases reported, 95% occur with women and 5% with men; however, men don't report because they don't like to admit they are beaten by a woman. **SEN. BENEDICT** commented men had trouble admitting they were victims of either physical or psychological abuse. **Ms. Sewell** agreed, explaining it is hard to understand what men face when they admit to what is happening, and this is evident when considering the services offered to men. **SEN. BENEDICT** asked how that could be changed. **Ms. Sewell** said to continue with what we do now -- talk about victims and perpetrators, not male and female.

SEN. CASEY EMERSON asked for explanation of court problems with "emotional distress" and "psychological trauma". **Jacqueline Lenmark** said her purpose in bringing those examples to the Committee was to demonstrate the litigation which traditionally revolves around those terms and how it could also revolve in the other context. An example would be a typical auto accident whereby compensation was asked for physical damages as well as emotional distress and pain and suffering, or other types of psychological damages. When proving that in court, the party asking for those damages will bring expert witnesses to address both physical and emotional damages. Her purpose in bringing those terms before the Committee was to demonstrate breadth of the definition. It could be something which arises out of any "garden variety" lawsuit and not the serious problem SB 234 is attempting to address. **SEN. EMERSON** asked if SB 234 was overly broad and **Ms. Lenmark** said it was.

SEN. BENEDICT asked how **SEN. VIVIAN BROOKE** felt about the Hopgood Amendments and was told she really had not had time to consult with other people; however, some parts she had looked at made good sense while others were a concession which weakened the bill. In general, she would have to say "yes" and "no".

SEN. MCCARTHY said the definition referred to a minor child. Is there any documentation that a minor child had been discriminated against as he or she reaches maturity and tries to get insurance, in other words, has the history followed him or her. **Larry Akey**

said he was not aware of any such cases.

{Tape: 1; Side: B; Approx. Time Count: 10:27 a.m.; Comments:
N/A.}

Closing by Sponsor:

SEN. VIVIAN BROOKE closed. I thank the Committee for a good hearing and Marie Dunn for having the courage to come forward with her story of what we still consider insurance discrimination, particularly in the fact an innocent boy was not able to recover his possessions. Montana does not have many such examples but we are encouraging people to come forward with their stories; however, in Washington a child was denied health insurance because he had been sexually abused in a day care facility. I would like to review the amendments with the Committee in order to send SB 234 forward. I would like to address the argument we need to wait on this because this was not yet nationally approved; however, that argument is not consistent within the legislative arena -- we are a state and we want to protect our citizens. Another issue was the definition should be consistent with "partner and family assault" in the criminal codes. I would argue that definition goes to the perpetrator and SB 234 protects victims. Independent cause of action has caused a lot of debate and we will take another look at whether SB 234 can survive with it on or off. We want to enable people who have been discriminated against to "have their day in court" or have a way to appeal. The question frequently posed was, "Does this happen in Montana?" You have to realize the opponents represent companies who make many national policies and the surveys which came from other states also came from many of those companies represented by the opponents; therefore, the policies affect Montana. The absence of victims at the hearing does not indicate Montana has none. SB 234 covers a subtle form of discrimination which only public awareness and consciousness-raising will encourage victims to come forward to tell their story. I encourage the Committee to review SB 234 with that in mind.

{Tape: 1; Side: B; Approx. Time Count: 10:27 a.m.; Comments:
N/A.}

HEARING ON SB 193

Sponsor: SENATOR KEN MILLER, SD 11, LAUREL

Proponents: Charles Brumit, Western Valley Electric, Billings
Doug Breker, Townsend Electric
Jack McCleary, Mountain Electric, Billings
Max Griffin, Action Electric, Billings
Eugene R. Thomas, E. Thomas Electric & Supply

Opponents: Darrell Holzer, AFL-CIO
Gary Pemble, MT ST JATC

HEARINGS
BEFORE THE SENATE STANDING COMMITTEE OF BUSINESS AND INDUSTRY
ON SENATE BILL 234

TESTIMONY IN SUPPORT OF SENATE BILL 234
PROHIBITING INSURANCE DISCRIMINATION
AGAINST VICTIMS OF DOMESTIC ABUSE

BY

TERRY L. FROMSON
Staff Attorney
Women's Law Project

FOR

THE WOMEN'S LAW PROJECT
125 South 9th Street, Suite 401
Philadelphia, PA 19107

and

THE PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE
6400 Flank Drive, Suite 1300
Harrisburg, PA 17112

February 4, 1997

I am here to speak in support of Senate Bill 234, prohibiting insurance discrimination against victims of abuse. Legislation prohibiting insurers from engaging in practices which endanger the safety of and restrict access to insurance coverage for victims of domestic violence is needed in Montana and in every state in the nation.

The Women's Law Project and The Pennsylvania Coalition Against Domestic Violence have been working together to stop domestic violence for the past two years. We do discriminate against victims of domestic vi

Exhibit # 1 - 12 pages

The full exhibit is available from:
MT Historical Society Archives
225 North Roberts
P.O. Box 201201
Helena, MT 59620-1201
Phone # (406)444-4774

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 1A
DATE 2-4-97
BILL NO. SB 234

Exhibit# 1A - Insurance denied /
Domestic Violence / Public Hearing
The full exhibit is available from:

MT Historical Society Archives
225 North Roberts
P.O. Box 201201
Helena, MT 59620-1201
Phone: (406)444-4775

APPENDIX B

Exhibit 1B
Date 2/4/97
SB 234

COMMONWEALTH OF PENNSYLVANIA

Pennsylvania Insurance Department

Survey of Accident and Health and Life Insurers

Relating to Insurance Coverage for

Victims of Domestic Violence

Exhibit # 1B

The full exhibit is available from:

MT Historical Society Archives

225 North Roberts

P.O. Box 201201

Helena, MT 59620-1201

Phone # (406)444-4774

Linda S. Kaiser :
Insurance Commissioner

(Revised May 15, 1995)

LAW

Insurer Laws Aim to Protect Abuse Victims

By ANDREA GERLIN

Staff Reporter of THE WALL STREET JOURNAL

Lawmakers around the country are taking up the question of how to protect victims of domestic violence from discrimination by insurance companies.

Seven states have adopted laws that bar insurers from using histories of domestic violence to deny or cancel policies. Similar bills are pending in at least a dozen other states and in the U.S. Congress.

Proponents of the measures say they are seeking to curb a practice that "re-victimizes" domestic-violence victims. "Everyone has been encouraging women to report these incidents," says Kansas insurance commissioner Kathleen Sebelius. "Now we find out that the very act of reporting may be the reason why they are denied coverage."

The insurance industry calls the problem exaggerated. "It's very possible for abuse victims to get insurance," says a spokeswoman for State Farm Mutual Automobile Insurance Co. A spokeswoman for the American Council of Life Insurance, an industry trade group, adds, "There have been some cases, but I would disagree that it's widespread."

State insurance regulators and advocates for the abused disagree. They point to cases in California, Pennsylvania, Washington, Iowa and Minnesota in which applications were rejected, coverage was lost or claims weren't paid on the basis of reports of domestic violence. The episodes involved health, life, property and disability insurance. In Minnesota, shelters for battered women have been denied coverage.

ity insurance. In Minnesota, shelters for battered women have been denied coverage.

"We've got the insurance industry saying it's not happening," says Washington insurance commissioner Deborah Senn, who heads the National Association of Insurance Commissioners' discriminatory practices working group. "But we've produced warm bodies who have had experience with it."

In recent years, public officials in at least three states have surveyed insurers. U.S. Rep. Charles Schumer (D., N.Y.) found in 1994 that eight of 16 large insurers in his state used histories of domestic violence as a factor in their decisions about granting coverage. Surveys of hundreds of insurers by insurance commissioners in Pennsylvania and Kansas last year found that about a fourth of the companies took domestic violence into account. About 60% of life insurers who responded to the surveys used it as a criterion, with some arguing they don't want to provide a financial incentive to batterers who may be beneficiaries.

News accounts of the problem prompted several large insurers, including State Farm and Aetna Life & Casualty Co., to prohibit employees and agents from using domestic violence histories to decide whom to insure or reimburse for claims.

But victim advocates say that other companies are still discriminating against the abused, and that for the nation's two million to four million victims of domestic violence, the prospect of lost coverage compounds the difficulty of severing a dangerous relationship.

Under provisions in the new or proposed laws, it would be illegal for insurers to deny coverage to domestic abuse victims

based solely on that status. But the laws don't limit the ability of insurers to deny coverage on the basis of medical information such as chronic conditions that might have been caused by abuse. The states that already have passed these measures are Connecticut, Massachusetts, Delaware, Florida, Iowa, California and Indiana.

While some see that concession as necessary to satisfy the insurance industry and prevent premiums from sky-rocketing, others are concerned. "That could be a hidden way of turning down victims of domestic violence without admitting that that's what you're doing," says Roberta Valente, staff director of the American Bar Association's commission on domestic violence. For that reason, the laws require insurers to disclose in writing why they turn down any applicant whom they discover to have a history of domestic violence.

While insurance companies aren't generally fighting the state legislation, most of them oppose any federal action, including five bills pending in Congress. But Terry Fromson of the Women's Law Project in Philadelphia says, "A federal remedy would get the protection faster than working through 50 state legislatures. It also will reach certain areas of insurance which are exempt from state insurance regulations."

The ABA and the American Medical Association are among those backing the laws. Doctors who treat abuse victims have voiced concern that they may be jeopardizing their patients' insurance by documenting domestic violence and referring victims to support agencies, as they are legally required to do in some states.

"It really does put doctors in an untenable position," says Elaine Alpert of Boston University School of Medicine, who heads the Massachusetts State Medical Society's Committee on Domestic Violence. And lawyers are concerned that without medical documentation, courts will be less inclined to believe domestic violence victims who seek restraining orders or custody of their children.

DIGEST OF EARNINGS REPORTS

Figures in parentheses are losses.

Continued From Page B10

STATION CASINOS INC. (N)

Quar Dec 31:	1995	1994
Revenues	\$122,912,000	\$83,641,000
Net Income	7,360,000	483,000
Avg shares	35,303,000	30,124,000
Shr earns:		
Net Income	.21	.07
9 months:		
Revenues	336,877,000	193,460,000
Net Income	18,129,000	(14,297,000)
Avg shares	33,499,000	30,106,000
Shr earns:		
Net Income	.54	(.47)

STEWART INFORMATION SVC (N)

Quar Dec 31:	1995	1994
Revenues	\$79,965,000	\$66,110,000
Net Income	3,258,000	1,267,000
Avg shares	6,375,000	6,209,000
Shr earns:		
Net Income	.51	.20
Year:		
Revenues	282,505,000	302,155,000
Net Income	7,007,000	9,878,000
Avg shares	6,292,000	6,198,000
Shr earns:		

THERMO ECOTEK CORP. (A)

13 wk Dec 30:	1995	1994
Revenues	\$34,296,000	\$32,180,000
Net Income	3,052,000	2,276,000
Avg shares	15,528,000	13,216,000
Shr earns:		
Net Income	.20	.17

THERMO POWER CORP. (A)

13 wk Dec 30:	1995	1994
Revenues	\$27,452,000	\$22,314,000
Net Income	577,000	787,000
Avg shares	12,444,000	12,327,000
Shr earns:		
Net Income	.05	.06

THERMO REMEDIATION INC. (A)

13 wk Dec 30:	1995	1994
Revenues	\$16,308,000	\$13,933,000
Net Income	1,533,000	984,000
Avg shares	12,441,000	10,277,000
Shr earns:		
Net Income	.12	.10
30 weeks:		
Revenues	43,955,000	38,032,000
Net Income	4,043,000	2,631,000
Avg shares	12,301,000	10,209,000
Shr earns:		
Net Income	.33	.26

ABBREVIATIONS

A partial list of frequently used abbreviations: Acctg adl (Cumulative effect of an accounting change); Extd chg (Extraordinary charge); Extd cred (Extraordinary credit); Inco cnt op (Income from continuing operations); Inco dis op (Income from discontinued operations). Footnotes: p-pro forma; r-revised.

UNITED DENTAL CARE INC. (N)

Quar Dec 31:	1995	1994
Revenues	\$21,862,000	\$18,371,000
Net Income	1,520,000	639,000
Shr earns:		
Net Income	.21	.14
Year:		
Revenues	79,229,000	37,375,000
Income	3,731,000	2,096,000
Extd chg	(142,000)	
Net income	3,589,000	2,096,000
Shr earns:		
Income	.68	.44
Net Income	.66	.44

U.S. CELLULAR CORP. (A)

Quar Dec 31:	1995	1994
Revenues	\$136,956,000	\$95,588,000

Ex-Prudential Broker Is Indicted in Miami In Laundering Case

By a WALL STREET JOURNAL Staff Reporter
NEW YORK — A federal grand jury in Miami indicted a former Prudential Securities Inc. broker, alleging that he laundered nearly \$2 million of cocaine proceeds through a stock account at Prudential and via various real-estate transactions.

In a 23-count indictment, Edilberto J.

Boston Sunday Globe

SUNDAY, MARCH 12, 1995

Battered women finding fewer insurers

By Judith Gaines
GLOBE STAFF

Major insurance companies across the country, including at least nine that do business in Massachusetts, routinely deny life, health and other coverage to victims of domestic violence. In some instances, insurance agents say they are so revulsed by the violence that they simply want no part of any action that could be seen as condoning or contributing to it. In other cases, they argue that their

stand is based on the calculation that the battered victim's medical condition, regardless of its cause, makes the person an extremely bad risk.

"Let me put it this way," said James Robbins, a Newton insurance agent who represents Prudential, Metropolitan Life, First Colony and John Hancock Mutual Life Insurance groups, among others. "If Nicole (Simpson) had applied for life insurance, and we knew about O. J.'s record, how many agents would want to sell it to

her?"

Among the companies that deny or have canceled coverage to battered women are Nationwide, Allstate, State Farm, Aetna, Metropolitan Life, The Equitable Companies, First Colony Life, The Prudential and the Principal Financial Group, according to a congressional survey, investigations by women's groups, and written or verbal statements to the Globe by the firms themselves.

The industry's widespread policy of not insuring battered women,

which includes not only life insurance, but also health, disability, even property and homeowners' claims, is viewed as an enormous step backward by domestic violence victims and their supporters. After extensive efforts to sensitize the medical community about need to document instance abuse for a range of civil and criminal proceedings, they now have these same records used against the victims by the insurance industry.

INSURANCE, Page 2

Battered women denied coverage

■ INSURANCE

Continued from Page 1

"This puts doctors in an impossible, untenable position," said Elaine Alpert, chairwoman of the committee on violence for the Massachusetts Medical Society, assistant dean at Boston University School of Medicine, and a practicing physician. "If they accurately record their findings, which may be essential for sensitive medical care or successful prosecution of court cases, they can put patients at risk of losing their health insurance."

Victims of domestic abuse "who have just begun to feel safe about coming forward with their problems will be driven underground," Alpert said.

Explaining the industry view, Mark Rosen, a lawyer who chairs the Boston Bar Association's committee on insurance, said that at first the stance may seem unfair. "But the company sees the applicant constantly being treated for lacerations, broken bones, getting mental health counseling. They say, 'This is a continuing situation, a high risk client, and it's going to cost us a lot of money.'"

THE COMPANIES' PERSPECTIVE

Some of the reasons insurance companies have cited in denying insurance to victims of domestic violence:

“Continued payment of unrestricted benefits does nothing to encourage the victim to remove herself/himself from the situation. In fact, (it) could result in preventing the insured from such removal.”

— Alex N. Morat, vice president and group actuary, The Horace Mann Companies

“It is our general rule that when we are unable to fully evaluate a risk, we decline to issue life insurance. In this particular case, we could not tell whether the domestic violence would continue or stop. . . . We also were concerned that any insurance of life insurance coverage might provide an incentive for murder.”

— David H. McMahon, vice president and asst. counsel, First Colony Life Insurance Co., responding to an inquiry by the House Judiciary Committee

“(The applicant) was in a hysterical state after her husband threw a bomb at her. There were indications that her husband had broken her nose six months prior to this.”

— Kurt McAllen, section manager, life insurance service center, Nationwide Insurance, explaining the “sound underwriting principles” that led his company to deny insurance to a Delaware woman

“I deal with families that want to provide insurance for their loved ones. I wouldn't want to be involved in a situation that involves violence. It's distasteful. The commission would not sit well in my stomach.”

— Vijay Shah, Boston insurance agent, Principal Financial Group

“If a battered woman came to me for insurance, I'd tell her: when she goes to the doctor, wear a long blouse to hide her injuries, and don't mention the violent episodes. And don't apply for too much insurance.”

— James Robbins, Newton agent for Prudential, Metropolitan Life, John Hancock and other insurance firms

(Continued)

MAR 15 1995

Allen's P.C.B. 111 1888

Victims of abuse 2031 denied insurance

MIAMI BEACH, Fla. (AP) — An abusive husband struck Jody in the face with a soda can and a shoe in separate 1990 attacks.

Four years later, she received another blow: Her insurance company denied her a life insurance policy. It had found out about her past abuse through medical records.

"I was 32 years old and wasn't worth insuring," Jody said.

She and other victims of domestic violence told their stories by telephone Tuesday to a panel of the National Association of Insurance Commissioners, which is drafting model legislation to prohibit insurers from discriminating against such victims.

One advocate, testifying in person, told the panel that the insurance refusals will discourage victims from reporting and documenting abuse.

"If victims have to come forward at the risk of losing their insurance ... they won't come forward and we will be set back 25 years," said Terry Fromson of the Women's Law Project in Philadelphia.

Fromson represents a 25-year-old Carlisle, Pa., woman who was instrumental in bringing the problem to light last year. The woman was denied medical, life and mortgage disability insurance.

Her story prompted Washington Insurance Commissioner Deborah Senn to look at companies in her state. At first, it appeared no such discrimination existed. But then her office discovered that other excuses, such as alcoholism, were being used.

"It was very subtle," said Senn, who chairs the NAIC panel. "This is further victimizing victims, punishing victims for being beaten."

In another case, a Seattle woman said her homeowner's insurance policy was canceled after the irate ex-wife of her boyfriend's brother damaged a door. The insurance company said she had "too much trouble with people."

The discrimination in other states was more blatant, Senn said — one company even denied insurance to battered women under the rationale that it would encourage spouses to kill in order to collect.



AP photo

Washington Insurance Commissioner Deborah Senn leads review of allegations that insurance companies discriminate against victims of domestic abuse.

Senn said the model legislation, which the panel is expected to approve in June and send to the full NAIC, will have great weight when commissioners present it to state legislatures.

"When you are in the middle of a legislative session and you tell the legislators this is a NAIC model, then they know it's been through a hearing process and has had the industry testifying on it," Senn said.

Last week, two bills were introduced in Congress to prohibit discrimination of domestic violence victims.

"I feel domestic violence is a crime," said Rep. Ron Wyden, D-Ore., who sponsored the House bill. "It's not a disease or a pre-existing condition or accidental injury. What about stabbings or muggings, are they going to call this a pre-existing condition?"

Some insurance companies are trying to catch up as the issue gains momentum. After the Pennsylvania case became public, State Farm Insurance Cos. of Bloomington, Ill., changed its policy of not providing life insurance to women who still lived with a past abuser.

"We looked at the situation and didn't want to be party to the fact that someone wouldn't want to move out of an abusive environment because she would lose her insurance," said K.C. Eynatten, spokeswoman for State Farm.

But State Farm still uses domestic violence as a criteria for medical coverage. And Eynatten said the real solution lies at the roots of domestic violence.

"The real problem," she said, "is that people are beating people up and that needs to stop."

The victims' stories

By The Associated Press

Some testimony from victims of domestic violence:

■ Mary from Muscatine, Iowa, had an insurance company deny her adult daughter a \$5,000 life insurance policy because she had been beaten by a former boyfriend.

■ Susan from Seattle has diabetes, but that was not the reason her additional life insurance coverage was denied in 1994 and 1995. It was her counseling for abuse she suffered as a child and

as a spouse.

■ Stanley from Walla Walla, Wash., said he was throttled in 1990 by his now ex-wife. Because he received medical insurance through his spouse's coverage, he soon found he was left without treatment. His wife had told the insurer not to cooperate with him, he said.

■ Debbie from Seattle said her homeowner's insurance policy was canceled after the angry ex-wife of her boyfriend's brother damaged her door. The insurance company said she had "too much trouble with people."

► CRIME

Abuse just tip of problem

■ Battered women:

Lawmakers claim victims can lose their health insurance or be charged more for life insurance.

Gannett News Service

WASHINGTON — Insurance companies often deny claims, raise rates or flatly refuse to cover victims of domestic violence — "battering battered women" because they are a bad risk, members of Congress charged Thursday.

"Up to 4 million American women are beaten and otherwise abused by their husbands or boyfriends every year. Sadly, many of these battered women are afraid to physically leave their abusers, in no small part because of fear of losing their only access to health, life, disability and property insurance," Rep. Bernard Sanders, I-Vt., said.

Sanders, with the support of Reps. Peter DeFazio, D-Ore., Ron Wyden, D-Ore., and Connie Morella, R-Md., and Sen. Paul Wellstone, D-Minn., is sponsoring a bill that would outlaw the practice.

Problems the lawmakers say abused women encounter include:

- **Being denied health-care** coverage because abuse is considered by some insurers as a "pre-existing condition."

- **Being charged** higher-than-average rates or denied life and property insurance entirely because they and their property are considered a high risk.

One example involved an Oregon woman whose homeowners' insurance was canceled because her ex-husband twice set fire to her house.

- **Having doctors report** instances of abuse, to health insurers, who often place the information in a data bank available to all types of in-

Insurance company listens to stalker, not abuse victim

Gannett News Service

WASHINGTON — Tyra Simms dumped her boyfriend in 1993. For over a year, despite court orders and help from the police, she was harassed at work and home, struck, chased, robbed and finally hospitalized after he smashed her head against a wood stove.

Simms fled Seattle for the Southeast with her two children, 3 and 5, their bicycles, clothes and a Mustang.

Her ex-boyfriend is in prison for assaulting Simms and breaking into her house, and he has no idea where she is. But he is making collect phone calls to her family, her best friend — and her insurance company, which is talking to him about a \$5,000 claim she made and is refusing to pay.

"But they won't talk to me anymore. They don't believe me," Simms said.

Simms said her boyfriend-turned-stalker made her life so miserable last fall that she fled her home. When she finally came home her "house was empty.

Everything that could be pawned was gone."

He had broken into her house before, leaving messages and vandalizing things — to let her know he had been there — and taking small items and then arranging to return them. This time she was left with almost no clothes, no belongings except furniture. She called her insurance company to file a claim.

The adjuster came to the house and asked her if she suspected anyone. Simms fingered her ex-boyfriend.

The adjuster reached the boyfriend, who said he had nothing to do with it, that Simms had hidden her own belongings to defraud the company.

"The adjuster told me that I had better think twice about filing a claim, that I could go to jail," she said.

The abuser soon returned, smashing through a window, grabbing Simms and demanding that she file another, larger claim so he would have money to buy a truck. "Stealing is what he did for a living," Simms said.

insurance companies nationwide.

"It's blaming the victim. Insurance companies are battering battered women by denying coverage or raising rates," Wellstone remarked.

The practice extends beyond abuse victims.

Sanders said landlords who rent to women in an abusive situation could have problems with property insurance and that shelters for battered women are having a more difficult time getting affordable insurance.

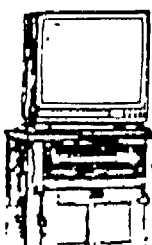
The insurance industry opposes the legislation, although the American Council of Life Insurance sup-

ports similar legislation on a state level.

"As a general rule, our philosophy is that we oppose federal regulation of insurance. The states have been regulating insurance for more than a century and they do a very good job," said council spokeswoman Virginia Bueno.

"Our council represents some 606 insurance companies. Our board voted to support regulations against discriminating against abuse victims," she commented, adding that the council does not believe such discrimination is a widespread problem in the life insurance industry.

Warehouse Sale Every Saturday



Lots of Armchairs and Entertainment Centers

This Oak TV/VCR Antique Reproduction Ice Box

\$4.00

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Details

ARD

ntatives voted on key is-
week:

ns — abortion fund-
endment to the 1997 Dis-
ve restricted only federal
Current law prohibits any
for abortions other than
or in cases of rape or in-
and 1 independent voted
Democrats voted against
White (R). **No:** Hastings
Nethercutt (R).

is: The House voted 332-
trict of Columbia in 1997.
bunt and \$29 million less
Republicans, 162 Democ-
Republicans and 17 De-
nn (R), Hastings (R), Mc-
R), White (R). **No vote:**

ropriations: The House
he departments of Com-
related agencies in 1997.

Domestic violence may affect insurance

■ **Limits:** Unlike some states, Washington does not regulate how domestic violence can be used in insurance underwriting.

The Associated Press

WASHINGTON — Oregon officials have agreed to conduct a survey requested by three Democratic lawmakers who contend insurance companies deny accident, health and property coverage to victims of domestic violence.

U.S. Reps. Elizabeth Furse and Peter DeFazio have introduced legislation to prohibit using domestic violence as a risk factor for insur-

ance purposes. Rep. Earl Blumenauer joined them Friday in requesting the survey.

"Insurance companies obtain access to medical records and police records and use cases of domestic violence as a basis for determining who to cover, how much to cover and how much to charge for insurance," they wrote.

Oregon and Washington state are not among the 19 states with laws limiting how domestic violence can be used in insurance underwriting.

A survey in Pennsylvania found 26 percent of insurers considered domestic violence in writing policies. In New Mexico, nearly a third of life or health insurers may rou-

tinely deny or limit coverage for domestic violence victims.

In Washington state, insurance commissioner Deborah Senn intends to make a third try after the Legislature twice turned back attempts to enact limits on the ways insurers can use incidents of domestic violence.

"There has been adamant opposition by the insurance industry in Washington state," said Jim Stevenson, a spokesman for the Insurance Department.

Senn heads a working group that prepared a model law last month for the National Association of Insurance Commissioners.

"Can we really expect a battered

woman to disclose that her injuries were caused by a batterer if she knows that her insurance may be canceled?" Senn asked.

Chris Petersen, vice president of the Health Insurance Association of America in Washington D.C., said his group supports the NAIC bill.

Kenton Brine, president of the Washington Insurance Association in Olympia, acknowledged there had been "some cases of insensitivity ... some isolated cases of discrimination."

"But the commissioner believes there is an industry-wide practice of discrimination against victims of domestic violence. We don't think there is any evidence of that," he said.

2 DAYS ONLY

Chairman Hertel, Members of the Committee, my name is Kathy Sewell and I am the Public Outreach Coordinator for the Montana Coalition Against Domestic and Sexual Violence. We are a coalition of direct service providers for families experiencing domestic violence. We have programs in 53 counties across the state, with 20 safe home programs and 11 shelters and we serve over 10,000 victims in a span of one year. Domestic Violence is defined as the actual or threatened physical, sexual, psychological or economic abuse of an individual by someone with whom they have or have had an intimate relationship. Domestic Abuse is defined in terms of the behavior of the perpetrator, not the victim. After continual study of partner violence, it has been determined that the victim has little or no choice in the terms of the relationship. They are victimized by tactics that include but are not limited to;

isolation from friends and family
threats of "taking away the children"
withholding of financial support
jealousy
secrets about financial and business matters
life threats
property damage
emotional abuse and of course, varying degrees of physical violence.

There are many different avenues of service to victims of domestic abuse and the struggle to continue to protect their rights and their safety continues daily. Today we are discussing the Senate Bill 234 that would prohibit discrimination against victims of abuse in all lines of insurance. Insurance discrimination puts victims at risk both by denying the benefits that insurance provides and by discouraging them from seeking help that may result in loss of insurance. If unable to obtain health and other insurance, victims may feel that they have no alternative but to stay in an abusive situation. More than one in nine woman seeking treatment in Emergency Departments are there because of Domestic Violence. If they fear loss of insurance, they will continue to "keep the secret" to secure their safety from further victimization. Also doctors/emergency room personnel also aware of the insurance concerns will not ask or investigate the incident as domestic violence to avoid the loss of insurance. The Coalition asks for your support in Senate Bill 234 to protect the availability of much needed medical services for victims of abuse.

**Fact Sheet Prepared by the Montana Coalition Against Domestic
and Sexual Violence
Legislative Session 1997**

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 7

DATE 2-4-97

BILL NO. SB 224

National Statistics

Domestic Violence is the leading cause of serious injury to American women, more common than muggings and car crashes combined. (Surgeon General Public Health Source Book)

A woman is battered every 15 seconds in the U.S. (FBI Uniform Crime Reports)

Nearly half of all incidents of domestic violence against women discovered in the National Crime Survey (48%) were not reported to the police. (Bureau of Justice Statistics)

Violent youth are four times more likely to come from homes in which they witness domestic violence than are nonviolent youth. (American Journal of Psychiatry, Vol. 140)

Domestic Violence is repetitive in nature; about one in five women victimized by their spouse or ex-spouse reported that they have been a victim of at least three assaults in the last six months. (The National Crime Victimization Survey)

Women are most likely to be murdered when attempting to report abuse or to leave an abusive relationship. (When Battered Women Kill Browne)

Four women are killed every day in America by a husband or boyfriend. (Violence Update, Vol 1)

Montana Domestic Violence Programs report the following statistics for 1996:

Over 15,000 calls made to the various crisis lines/services

Over 4,000 personal contacts were made across the state

Over 900 women and 850 children were given shelter

Over 170 battered men were served

Over 10,000 nights of shelter were given to families

1,135 prevention education programs were given in the state

Over 15,000 people were educated about Domestic Violence

Over 500 volunteers serve the various programs

Over 1,515 calls were received regarding sexual violence

**FAMILY
VIOLENCE
PREVENTION
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Marie Wilson
President
Ms. Foundation for Women

Executive Director
Esta Soler

**THE HEALTH CARE RESPONSE TO DOMESTIC VIOLENCE
FACT SHEET**

Domestic Violence: *The actual or threatened physical, sexual, psychological or economic abuse of an individual by someone with whom they have or have had an intimate relationship.*

Prevalence

The following prevalence statistics have been culled from numerous individual studies; they provide an indication of the range of estimates of domestic violence or battering instances. However, it is generally believed that domestic violence is seriously under reported and undiagnosed. The paucity of accurate incident information underscores the problem.

Within the last year, 7% of American women (3.9 million) who are married or living with someone as a couple were physically abused, and 37% (20.7 million) were verbally or emotionally abused by their spouse or partner.¹

In the U.S. every 9 seconds a woman is physically abused by her husband.**²

The U.S. Department of Justice estimates that 95% of assaults on spouses or ex-spouses are committed by men against women.³

Domestic violence is repetitive in nature: about 1 in 5 women victimized by their spouse or ex-spouse reported that they had been a victim of a series of at least 3 assaults in the last 6 months.⁴

A 1993 national poll found that more people (34% of men and women) have directly witnessed an incidence of domestic violence, than muggings and robberies combined (19%). And 14% of American women acknowledge having been violently abused by a husband or boyfriend.⁵

Injuries & Fatalities

One study showed that 30% of women presenting with injuries in an Emergency Department were identified as having injuries caused by battering.⁶

Pregnancy is a risk factor for battering. Several studies indicate a range of incidence from 8% to 15% of pregnant women in public and private clinics⁷ to 17%⁸ to as much as 24% to 26%.⁹

(continued)

TOOTIE WELKER

100 TROUT CREEK ROAD
TROUT CREEK MT 59874

(406) 827-9676
tf9676@montana.com

Chairman John Hertel
Senate Business and Industry Committee
Capitol Station
Helena Montana 59620

RE: SB 234

I am writing in support of SB 234, sponsored by Senator Vivian Brooke.

I am the director of a domestic violence program in Sanders County which provides a 24 hour crisis hot line, court advocates, support groups, transportation and emergency housing to victims of domestic violence and sexual assault.

I find it disturbing that we even need SB 234! Insurance companies should not be allowed to revictimize victims of domestic violence by refusing to insure or charging higher rates.

Victims of domestic violence do not choose to become victims. Victims do not enjoy being beaten. But leaving a violent relationship is not always as easy as walking out the door.

When women do leave for good, they are at their highest risk of being killed by their partner. Many do not have adequate job skills and are economically unable to leave. Many have been so isolated by their partners that they have no support system to help them leave. They have been told by their partners if they leave they'll lose their children. They have been threatened with death if they do try to leave. And as we all read in the newspapers, women do die by their partners hands. Over 4,000 a year in the United States.

If women felt they would lose their health insurance if it was known they were being beaten by their partners, they will be less likely to be honest with medical providers about the nature of their injuries. Which will lead to more isolation and fewer chances to break the cycle.

By allowing the insurance industry to use domestic violence as an underwriting tool, we are once again telling victims that is their fault. It is not their fault.

Please support SB 234.



Tootie Welker

Incidences Statistics

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 5

DATE 2-4-97

BILL NO. SB 234

- ✓ In cases of spousal murder for the year of 1992, 913 men killed their wives, 383 women killed their husbands. (United States Department of Justice, 1994)
- ✓ Husbands and boyfriends commit 13,000 acts of violence against women in the workplace every year. (United States Department of Justice, 1994)
- ✓ Over 1.7 million women were physically abused in 1995 by their male partners, one every 12 seconds. (Federal Bureau of Investigation)
- ✓ The overwhelming majority of violent crimes in this country were committed by men: 91 percent of murders; 99 percent of forcible rapes; 91 percent of robberies; and 84 percent of aggravated assaults. (United States Department of Justice, 1994)
- ✓ 89% of all females who were arrested in domestic violence incidents were acting in self-defense and ultimately were not convicted. (Federal Center on Disease Control)
- ✓ More than one in four female homicide victims (28%) were known to have been killed by their husbands, former husbands or boyfriends. (U.S. Department of Justice)
- ✓ There were approximately 4.5 million violent crimes against women in 1992 and 1993. (The Justice Dept. recognizes that this is an underestimation of domestic violence and violence against women.) (Bureau of Justice Statistics' National Crime Victimization Survey)
- ✓ In 29% of the single-offender attacks, the assault was known to have been committed by a husband, former husband, boyfriend or former boyfriend. Women were about six times more likely than men to experience violence committed by an intimate. (Bureau of Justice Statistics' National Crime Victimization Survey)
- ✓ Strangers were responsible for only about one in five rapes to sexual assaults against women. (Bureau of Justice Statistics' National Crime Victimization Survey)
- ✓ Women age 19 to 29 were more likely than women of other ages to be assaulted by an intimate. (Bureau of Justice Statistics' National Crime Victimization Survey)

Miscellaneous

- ◆ In a 1987-1988 survey of United States and Canadian medical schools, 53% of the schools responding indicated that their students did not receive any instruction about adult domestic violence. (*American Journal of Public Health*)
- ◆ Only five states have passed laws barring insurers from using a person's history of abuse as a risk factor for all forms of insurance. (*National Association of Insurance Commissioners*)
- ◆ In 1993, female delegates from 34 countries in the South and North Americas renewed calls for their countries to approve the 1993 Inter-American Convention for the Prevention, Punishment and Eradication of Violence Against Women. To date only 14 countries have signed the treaty, and the United States and Canada are not among them. (*Speaking Up*, 1/19/96, V.11.6)
- ◆ More than one in nine women seeking treatment in Emergency Departments are there because of domestic violence. (*Domestic Violence Against Women: Incidences and Prevalence in an Emergency Department Population*)

The Costs of Violence

From 1987 to 1990, crime cost Americans \$450 billion a year--and approximately one-third of that cost was related to domestic violence and child abuse. (*Victim Costs and Consequences*, a study by the National Institute of Justice)

Violence against children under the age of 18 cost Americans \$164 billion. Two in five of these young victims were victims of domestic violence. (*Victim Costs and Consequences*, a study by the National Institute of Justice.)

12759

To Whom it may concern:

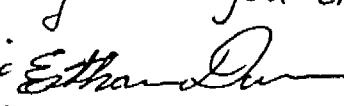
SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 5ADATE 2-4-97BILL NO. SB 234

10-4-1994

My name is Avis Marie Dunn and I have a son Ethan who is 2 1/2 years old. On August 25th 1994 my husband burned our home down. We were separated for the last nine months. Because I had a restraining order on him from Nov. 1993 still in effect until Nov. 1994. He is presently being held in the Yellowstone County Detention Center on Arson charge. I had already filed for a divorce on July 25th 1994. But he had not been served his papers yet. Before the fire. He had told me a couple of times before that if I ever divorced him and wanted the house. That he would burn it down. And make sure that I had nothing. And he has done that.

So since the fire my son and I have had to move into the upstairs bedroom of my parents' home. We weren't able to save any of our clothes or things because of the smoke & water damage. But thankfully we have lots of family and friends who have given very generously. But it's still hard to be forced to move back to your parents house to live. Especially after being on your own for 1 1/2 years. You really can't do the things you used to doing. And you have nothing now that's really your own. My son doesn't really understand. Although he knows his dad burnt his house down. He still wants to go home and wants to play with his own toys. He tells me his dad needs a spanking. (Mmm) I try to keep the faith and tell him that we'll get a new house. That we'll build him another one. But you can only satisfy a child's mind for so long. And then they stop believing in you.

So with EACH PASSING DAY it just gets HARDER. Not Knowing what the insurance company is going to do. They HAVE not paid or offered to pay one cent of my housing, food cost, or even clothing for my son or I since the fire. They HAVE ALSO told me not to expect to hear an ANSWER from them for AT least a month. They seem like they want to do what's right for my son & I. But they don't know how to pay me without paying my husband ALSO. BECAUSE his name WAS on the house too. So they HAVE hired an attorney to help them figure out what to do. AND I still haven't heard anything. I know something like this situation DOESN'T happen EVERYDAY and that it TAKES time. But I do believe that I've waited long enough for an ANSWER. And if they think it's not so bad. ASK them to move back home with their parents for a while. PLEASE Don't get me wrong. I love my parents very much AND I thank god every day that we have a ~~place~~ place to stay. They HAVE helped me through so much in the last two years. That I CAN never repay them for what they HAVE done. AND are still doing today. And I feel guilty for staying here because I CAN'T afford to pay them anything. BECAUSE I'm still making my house paymen't. And paying other bills. I just want my ~~to~~ own home & my own things back. And to WALK AROUND AND not be tense or wonder what is or isn't going to happen with the insurance. And I'd like to be able to tell my son if he's going to get a new house or not. And try to put some stability back in his life. I (we) will appreciate ANY and everything that you can do for us. Our DEEPEST Appreciation. Maime & Ethan 

The Adjuster's Name is Ken Lind of
Baumgardner & Lind Billings, MT. 59102
1643 24 West. 656-8262

Austin Mutual Insurance Company.
out of Minneapolis Minnesota I believe.

P.S. I got a call from Ken Lind after I wrote this
letter. And he told me that he has ~~send~~ sent the
report to Austin Mutual. About 235 pages. But that
they still don't have an answer for me.

Thanks Again
for all your help

Maurice Dunn

303 N. Frontage Rd.
Park City, MT. 59063

628-8879

work 628-8660

SENATE BUSINESS & INDUST.
EXHIBIT NO. 6
DATE 2-4-97
BILL NO. S 234

NAME Russell LaVigne
ADDRESS Box 511 Butte
HOME PHONE 782 6118 WORK PHONE 782 6118
REPRESENTING MT Low Income Coalition
MT Welfare Action Coalition
APPEARING ON WHICH PROPOSAL? S 234
DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

Being a victim of domestic violence is
not a medical condition. Insurance companies
cannot be allowed to discriminate against
victims by treating their abuse as
a medical condition.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 7

DATE 2-4-97

BILL NO. SB 234

ANDREW SQUARE, SUITE G
100 - 24TH STREET WEST
BILLINGS, MONTANA 59102

MARGARET E. MACDONALD
EXECUTIVE DIRECTOR

TELEPHONE (406) 656-9779

P

WORKING TOGETHER:

American Baptist Churches
of the Northwest

Christian Church (Disciples
of Christ) in Montana

Episcopal Church
Diocese of Montana

Evangelical Lutheran
Church in America
Montana Synod

Presbyterian Church (U.S.A.)
Glacier Presbytery

Presbyterian Church (U.S.A.)
Yellowstone Presbytery

Roman Catholic Diocese
of Great Falls - Billings

Roman Catholic Diocese
of Helena

United Church
of Christ
Mt. - N. Wyo. Conf.

United Methodist Church
Yellowstone Conference

To: Senate Business and Industry Committee
From: Betty Waddell, Montana Association of Churches
311 Power, Helena, MT 59601, ph. 442-3525

Re: SB 234

Date: February 4, 1997

Mr. Chairman and committee members. I am Betty Waddell, here on behalf of the Montana Association of Churches made up of the following denominations: United Methodists, ELCA Lutherans, United Church of Christ, American Baptists, Presbyterians, Roman Catholics, the Christian Church, and the Episcopal Church.

We support Senate Bill 234. The Montana Association of Churches calls upon the state of Montana to strengthen the exercise of laws and policies to address violence in our society and to support victims in our communities.

The most violent place in America is not our streets, but our homes. Domestic violence occurs every 15 seconds in this country. In 1992, the Surgeon General cited violence as the leading cause of injury for women ages 15 to 44. Children and the elderly are the most vulnerable in our society. Between July, 1993 and June 1994, child protection workers investigated 17,151 incidents of suspected child abuse. Nearly one-third of these incidents were confirmed. Of these, 56% were for neglect, 33% for physical and emotional abuse, and 11% for sexual abuse. Experts maintain that reported incidents reflected possibly only 1/5 of the actual occurrence child abuse.

As communities we need to come together to seek solutions to the causes of abuse, to find innovative programs to reduce violence in our society. At the same time we must protect those who are victims of abuse. SB 234, calling for a prohibition of unfair discrimination against victims of abuse does that. We urge you to pass SB 234. Thank you for the opportunity to share our viewpoint with you.

TESTIMONY IN FAVOR OF SENATE BILL 234

Montana Psychological Association

Lisa Hemerson

Persons who have suffered abuse usually experience devastating psychological suffering, the severity of which depends on the developmental stage of the person, the degree of coercion, violence and humiliation involved, the relationship of the abuser to the victim (persons who are in a position of trust cause greater harm), and the degree of social support the victim has available. Victims often feel irrationally that they somehow caused the abuse. When insurance carriers hold back from funding the full psychological and psychiatric treatment of the effects of abuse, it can be experienced as being victimized over again.

This past Fall, a patient was referred to Dr. Norman Honeyman by a psychiatric nurse, with the possible diagnosis of Post-traumatic Stress Disorder, or PTSD. Victims of sexual or physical abuse frequently suffer from PTSD, which is a genuine psychiatric diagnosis. It is marked by a central nervous system dysfunction, and often affects the victim's sleep patterns, physical health, and social and intimate functioning. It usually causes severe discomfort in many areas of a person's life, including the person's capacity to parent adequately, function sexually, and control mood swings. When Dr. Honeyman informed his patient's HMO, which was Merit Behavioral Health, that the patient indeed suffered from PTSD, he was told not to treat this serious issue but to do a brief focused therapy on everyday living problems. This is not only unethical, it is also dangerous in that the patient may suffer a severe reoccurrence of symptoms and become suicidal. However, it is not an isolated case, because some insurance carriers are reluctant to deal with the sources of PTSD since it frequently demands more prolonged treatment than average. However, to refuse to provide more than a "band-aid" approach leaves the patient vulnerable to further symptoms, and is not even cost effective in the long run because the patient can become discouraged and eventually need hospitalization.

Montana Psychological Association urges you to vote for Senate Bill 234.

MONTANA WOMEN'S LOBBY

P . O . B O X 1 0 9 9 H E L E N A , M T 5 9 6 2 4 4 0 6 . 4 4 9 . 7 9 1 7

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 9

DATE 2-4-97

FILE NO. SB 234

To: Senate Business & Industry
From: Kate Cholewa, Montana Women's Lobby
Re: SB 234, Support
February 3, 1997

Much work has been done over the past 30 years to help victims of domestic violence. A major piece of this work has been simply to end the secret and to stop blaming the victim. The ability of insurance companies to discriminate against victims of domestic violence undermines the work of these past decades. Women mustn't refrain from seeking help either for their injuries or seeking help for assistance in getting out of their situation out of fear of losing insurance coverage. Nor should doctors be concerned that properly documenting domestic abuse could lead to their patients could lose their insurance. Domestic violence is not a pre-existing condition, nor is it a "high-risk" lifestyle. Women in Montana who have been victims of domestic violence deserve the same access to insurance as other community members. Let's stop the practice of re-victimization.

SB 234 is not a ground-breaking bill. Sixteen states have already passed similar laws and 12 states currently have such laws under consideration. We ask that you make Montana the next state to end insurance discrimination against victims of domestic violence.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 10DATE 2-4-97BILL NO. SB

DATE: February 4, 1997
TO: Senate Business and Industry Committee
FROM: Donetta Klein, Stevensville
RE: Testimony in support of SB234

As a society we are finally raising the issue of domestic violence out of the shadows. I'm sure we all agree that it is important to expose the epidemic of domestic violence that exists in our society to the light of examination in order to understand and eradicate it. Surely we all agree that it is in the best interests of victims and society as a whole to eliminate barriers that keep victims from seeking help. For that reason I urge you to recommend passage of SB234.

For the past ten years, I've worked with hundreds of victims of domestic violence as a domestic violence crisis counselor and as a case manager in the JOBS program. I've spent many hours with women who are struggling to believe that someone they love has injured them. I can't tell you how devastating it is to counsel a woman who has injuries but is too afraid or ashamed to seek medical help. As an advocate it is my job to assure her that she will be treated with respect, that her confidentiality will be maintained, and to explain the steps she can take medically, legally, emotionally and economically to escape the violence that holds her family hostage.

An insurance policy that discriminates against her for seeking help, flies in the face of the efforts that have been made to ensure that victims receive assistance--whether it's through the legal system, law enforcement, or the medical system--regardless of the number of times that assistance is needed.

If insurance companies are allowed to discriminate against women for seeking medical help, many women will refrain from getting that help or lie about their injuries. If left unchecked, this situation threatens to push domestic violence into the shadows once again.

This situation also creates a barrier to employment for women attempting to move from the welfare rolls. Welfare reform mandates that recipients move quickly into the job market. When asked to cite barriers to doing so, welfare recipients frequently cite lack of health care.

Seventy percent of welfare recipients have been victimized by domestic violence.(1) If their status as victims means they are unlikely to qualify for affordable health care, they will understandably wish to continue to be eligible for medicaid. That means they will either need to stay on welfare or work for low wages, ensuring a continued life of poverty for themselves and their families.

The insurance lobby may claim that insurance companies are not guilty of gender discrimination when they deny benefits or increase rates to victims of domestic violence, because men as well as women



are victims. The vast majority of victims are women. The vast majority of perpetrators are men. It's absurd to refrain from calling this situation what it is: discrimination against women as a gender because of male violence!

As you listen to the arguments of the insurance lobby, I ask you to remember the needs of the people of Montana, and vote to recommend passage of SB234.

1) Welfare News, Center on Social Welfare Policy & Law, 1996; Missoula JOBS program data, 1990-96; Science News, Vol. 150, 1996.

EXECUTIVE ACTION ON SB 234

Motion: SEN. DEBBIE SHEA MOVED DO PASS SB 234.

Amendment: SEN. BEA MCCARTHY MOVED TO AMEND SB 234 (EXHIBIT 3), sb023401.agp.

Discussion: SEN. MCCARTHY asked if the sb023401.agp amendments were already included in the "gray bill"? Mr. Campbell said yes they are already included in the "gray bill". SEN. MCCARTHY asked Mr. Hopgood, Health Insurance Assoc. of America and Mr. Larry Akey, National Assoc. of Independent Insurers to respond to the bill as it is intended to be amended. Mr. Hopgood replied that they are in complete agreement with the amendments proposed to the "gray bill" with one exception and that is page 2, lines 23 through 27. We would propose that section be stricken from the bill. But we do understand that there will be an amendment proposed to do just that. Mr. Akey replied that our position remains the same as at the hearing. We believe that this is a bill that could wait until 1999 but would go along with the bill with both sets of amendments.

SEN. MCCARTHY asked SEN. VIVIAN BROOKE, the sponsor, to respond. SEN. BROOKE said that there were a lot of wording changes going to the heart of the intent of the bill and also on page 3, it was agreed to put in subsection 8, lines 6 through 8, and also strike the independent cause of action. However, overall the wording changes honed the bill.

Vote on Amendment: The motion to AMEND SB 234 (EXHIBIT 3) CARRIED UNANIMOUSLY.

Further Amendments: SEN. STEVE BENEDICT MOVED TO FURTHER AMEND SB 234 (EXHIBIT 4) sb023407.abc.

Discussion: SEN. BENEDICT said that it was necessary, if this bill was speaking to domestic violence, to contain the bill to the realm of domestic violence. The bill should not get into other areas such as "or a person and a caretaker". If this is opened up to nursing homes or whatever, it is too broad a reach and we have statutes on the books to take care of people on the outside of the family circle. The second part of my amendment reiterates the first part--"domestic". The third part addresses the independent cause of action. This has been stricken in section 2, but in section 1 of the original bill on lines 16 through 20, I would like to remove subsection 5 in its entirety (subsection 6 in the "gray bill"). The independent cause of action is a separate issue. This would prohibit a person from going to the Insurance Commissioner as well as going to the court. The only course of action in my amendment would be to go to the Insurance Commissioner.

SEN. BENEDICT asked SEN. BROOKE to comment on his amendments. SEN. BROOKE was not in agreement with the amendments, but if the bill is going to die, I would be in agreement.

SEN. MCCARTHY asked Mr. Akey his opinion of the committee's actions at this time in view of the national and state laws on this issue. Mr. Akey said the NAIC, National Agency of Insurance Carriers, has not yet promulgated model laws or regulations with respect to the treatment of victims of domestic abuse except in the area of health insurance. Life insurance and property and casualty insurance are still going around in the committee process at NAIC and would not be ready till the next Legislative session.

Segregate Amendment: SEN. MCCARTHY MOVED TO SEGREGATE AMENDMENT #3 OF (EXHIBIT 4) sb023407.abc and DO PASS. The motion CARRIED UNANIMOUSLY.

Discussion: SEN. MCCARTHY now asked SEN. BENEDICT who exactly is being taken out of the bill under his amendments #1 and #2? SEN. BENEDICT again stated that the original bill is too broad and opens up the whole field to others beyond the word "domestic".

Vote on Further Amendment: The motion to further AMEND SB 234 (EXHIBIT 4) sb023407.abc (Amendment #1 and Amendment #2) CARRIED UNANIMOUSLY.

{Tape: 1; Side: B; Approx. Time Count: 10:58 AM; Comments: N/A.}

Motion/Vote: SEN. CRISMORE MOVED DO PASS AS AMENDED SB 234 WITH BOTH SETS OF AMENDMENTS (EXHIBIT 4A), sb023401.agp. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 295

Motion: SEN. DEBBIE SHEA MOVED DO PASS SB 295

Amendment/Vote: SEN. STEVE BENEDICT MOVED TO AMEND SB 295, sb029501.agp. The motion to AMEND SB 295 CARRIED UNANIMOUSLY.

Amendment/Vote: SEN. BENEDICT MOVED TO AMEND SB 295, (EXHIBIT 5), sb029501.abc. The motion to AMEND 295 CARRIED UNANIMOUSLY.

Motion/Vote: SEN. SHEA MOVED TO TABLE SB 295. The motion TO TABLE SB 295 CARRIED UNANIMOUSLY.

{Tape: 1; Side: B; Approx. Time Count: 11:04 AM; Comments: N/A.}

Committee Bill Motion:

CHAIRMAN JOHN HERTEL said that there had been a request for the committee to carry a bill. He asked SEN. SHEA to respond.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 3

Amendments to Senate Bill No. 234
First Reading Copy

DATE 2-17-97

BILL NO. SB 234

Requested by Senator Brooke
For the Committee on Business and Industry

Prepared by Greg Petesch
February 13, 1997

1. Title, lines 5 and 6.
Following: "INSURANCE" on line 5
Strike: remainder of line 5 through "DATE" on line 6 ?
2. Page 1, lines 11 and 12.
Strike: ", in any" on line 11 through "practice" on line 12
Insert: "unfairly discriminate"
3. Page 1, line 13.
Following: "occurrence"
Insert: "between family members, current or former household members, intimate partners, or a person and a caretaker"
4. Page 1, line 14.
Following: "knowingly,"
Insert: "or"
Following: "recklessly"
Strike: ", or negligently"
Following: "subjecting"
Strike: "or attempting to subject"
5. Page 1, line 15.
Strike: "substantial"
Insert: "severe"
6. Page 1, lines 17 and 18.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections
7. Page 1, line 21.
Following: "knowingly,"
Insert: "or"
Following: "recklessly"
Strike: ", or negligently"
Following: "causing"
Strike: "or attempting to cause"
8. Page 1.
Following: line 22
Insert: "(3) For purposes of this section, "abuse" includes purposely or knowingly engaging in a course of conduct toward another person that constitutes stalking in violation of 45-5-220."
Renumber: subsequent subsections
9. Page 1, line 23.

*merged
with ~~ans~~ exhibit 4*
*Becoming
exhibit 4A*

Following: "acts"

Insert: ", when based on the insured's status as a victim of abuse,"

10. Page 1, line 25.

Following: "coverage"

Insert: "delivered or issued for delivery in Montana"

11. Page 1, line 26.

Following: "certificate"

Insert: "delivered or issued for delivery in Montana"

12. Page 1, line 27.

Following: "certificate"

Insert: "delivered or issued for delivery in Montana"

13. Page 1, line 29 through page 2, line 1.

Following: "claim" on line 29

Strike: remainder of line 29 through "abuse" on line 1

14. Page 2, line 2.

Strike: "An"

Insert: "Upon written request of the insured or an applicant, an"

Following: "an"

Insert: "underwriting"

15. Page 2, line 3.

Following: "condition"

Insert: "or property or casualty risk"

Following: "knows"

Strike: "or has reason to know"

Following: "explain"

Insert: "to the insured or applicant in writing"

16. Page 2, line 4.

Strike: "its"

Insert: "the insurer's"

17. Page 2, lines 4 through 15.

Following: the first "action" on line 4

Strike: remainder of line 4 through "insurance risk" on line 15

18. Page 2, line 22.

Following: "on"

Insert: "property or casualty risk or"

19. Page 2, line 23.

Strike: "or should know"

20. Page 2, line 24.

Following: "insured's"

Insert: "property or casualty risk or"

21. Page 2, line 27.

Strike: "applicant's"
Insert: "applicant"
Strike: "insured's medical history"
Insert: "insured"

22. Page 2, line 28.

Insert: "(8) An insurer may not be held civilly or criminally liable for the death of or physical injury to an insured that is related to acts of abuse resulting from any action taken in a good faith effort to comply with the requirements of this section."

23. Page 2, line 29 through page 3, line 23.

Strike: section 2 in its entirety
Renummer: subsequent sections

24. Page 4, line 8.

Strike: section 6 in its entirety

Amendments to Senate Bill No. 234
First Reading CopyRequested by Senator Benedict
For the Committee on Business and IndustryPrepared by Bart Campbell
February 17, 1997

1. Page 1, line 13.

Following: "occurrence"

Insert: "between family members, current or former household
members, or intimate partners"

2. Page 1, lines 21 and 22.

Strike: subsection (d) in its entirety

Insert: "(3) For the purposes of this section, "abuse" includes
purposely or knowingly engaging in a course of conduct
toward a family member, current or former household member,
or intimate partner that constitutes stalking in violation
of 45-5-220."

Renumber: subsequent subsections

3. Page 2, lines 16 through 20.

Strike: subsection (5) in its entirety

Renumber: subsequent subsection

*Merged
with exhibit 3
Becoming
exhibit 4A*

Amendments to Senate Bill No. 234
First Reading CopyRequested by Senator Brooke
For the Committee on Business and IndustryPrepared by Greg Petesch
February 13, 1997

1. Title, lines 5 and 6.
Following: "INSURANCE" on line 5
Strike: remainder of line 5 through "DATE" on line 6
2. Page 1, lines 11 and 12.
Strike: ", in any" on line 11 through "practice" on line 12
Insert: "unfairly discriminate"
3. Page 1, line 13.
Following: "occurrence"
Insert: "between family members, current or former household members, or intimate partners"
4. Page 1, line 14.
Following: "knowingly,"
Insert: "or"
Following: "recklessly"
Strike: ", or negligently"
Following: "subjecting"
Strike: "or attempting to subject"
5. Page 1, line 15.
Strike: "substantial"
Insert: "severe"
6. Page 1, lines 17 and 18.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections
7. Page 1, line 20.
Strike: "; or"
Insert: "."
8. Page 1, lines 21 and 22.
Strike: subsection (d) in its entirety
9. Page 1.
Following: line 22
Insert: "(3) For purposes of this section, "abuse" includes purposely or knowingly engaging in a course of conduct toward a family member, current or former household member, or intimate partner that constitutes stalking in violation of 45-5-220."
Renumber: subsequent subsections
10. Page 1, line 23.
Following: "acts"

Insert: ", when based on the insured's status as a victim of abuse,"

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 4 A

11. Page 1, line 25.

Following: "coverage"

Insert: "delivered or issued for delivery in Montana"

DATE 2-17-97

BILL NO. SB 234

12. Page 1, line 26.

Following: "certificate"

Insert: "delivered or issued for delivery in Montana"

13. Page 1, line 27.

Following: "certificate"

Insert: "delivered or issued for delivery in Montana"

14. Page 1, line 29 through page 2, line 1.

Following: "claim" on line 29

Strike: remainder of line 29 through "abuse" on line 1

15. Page 2, line 2.

Strike: "An"

Insert: "Upon written request of the insured or an applicant, an"

Following: "an"

Insert: "underwriting"

16. Page 2, line 3.

Following: "condition"

Insert: "or property or casualty risk"

Following: "knows"

Strike: "or has reason to know"

Following: "explain"

Insert: "to the insured or applicant in writing"

17. Page 2, line 4.

Strike: "its"

Insert: "the insurer's"

18. Page 2, lines 4 through 15.

Following: the first "action" on line 4

Strike: remainder of line 4 through "insurance risk" on line 15

19. Page 2, lines 16 through 20.

Strike: subsection (5) in its entirety

Renumber: subsequent subsection

20. Page 2, line 22.

Following: "on"

Insert: "property or casualty risk or"

21. Page 2, line 23.

Strike: "or should know"

22. Page 2, line 24.

Following: "insured's"

Insert: "property or casualty risk or"

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 4A

DATE 2-17-97

BILL NO. SB 234

23. Page 2, line 27.

Strike: "applicant's"

Insert: "applicant"

Strike: "insured's medical history"

Insert: "insured"

24. Page 2, line 28.

Insert: "(7) An insurer may not be held civilly or criminally
liable for the death of or physical injury to an insured
that is related to acts of abuse resulting from any action
taken in a good faith effort to comply with the requirements
of this section."

25. Page 2, line 29 through page 3, line 23.

Strike: section 2 in its entirety

Renumber: subsequent sections

26. Page 4, line 8.

Strike: section 6 in its entirety

Proponents' Testimony:

Dave Brown, MT Cosmetologists Assn. EXHIBIT 7, 8, 9.

{Tape: 1; Side: 2; Approx. Time Count: 20.; Comments: None.}

Michelle Johnson, Pres Cosmetologist of Butte. EXHIBIT 6.

{Tape: 1; Side: 2; Approx. Time Count: 21.1; Comments: None.}

Darlyn Battaicla, Butte, MT EXHIBIT 5.

{Tape: 1; Side: 2; Approx. Time Count: 23.8; Comments: None.}

Max Evans, Bozeman Beauty School Owner.

{Tape: 1; Side: 2; Approx. Time Count: 26.6; Comments: None.}

Opponents' Testimony: None

Questions From Committee Members and Responses:

{Tape: 1; Side: 2; Approx. Time Count: 27.8; Comments: None.}

Closing by Sponsor: Sen. Shea closed. Rep. Wyatt to carry.

{Tape: 2; Side: 1; Approx. Time Count: 23.7; Comments: None.}

HEARING ON SB 234

Opening Statement by Sponsor: Senator Brook, S.D. 33 introduced the bill. EXHIBIT 10.

Tape: 2; Side: 1; Approx. Time Count: 24.9; Comments: None.}

Proponents' Testimony:

Moiria O'Brien, MT Coalition Against Domestic and Sexual Violence. EXHIBIT 11, 12, 13.

{Tape: 2; Side: 2; Approx. Time Count: 1.6; Comments: None.}

Kate Chowela, Women's Coalition-EXHIBIT 14 AND 15.

{Tape: 2; Side: 2; Approx. Time Count: 4.6; Comments: None.}

Russell Levine, MT Welfare Action Coalition

{Tape: 2; Side: 2; Approx. Time Count: 6.7; Comments: None.}

Frank Coty, Dep. Dir. MT Insurance Division

{Tape: 2; Side: 2; Approx. Time Count: 7.2; Comments: None.}

Tom Hopgood, American Council of Life Insurers

{Tape: 2; Side: 2; Approx. Time Count: 9.5; Comments: None.}

Larry Akey, National Assn. of Independent Insurers. EXHIBIT 16.

{Tape: 2; Side: 2; Approx. Time Count: 12.2; Comments: None.}

Greg Van Horssen, State Farm Insurance. EXHIBIT 17.

{Tape: 2; Side: 2; Approx. Time Count: 16.0; Comments: None.}

Tonya Ask, Blue Cross-Blue Shield

{Tape: 2; Side: 2; Approx. Time Count: 19.8; Comments: None.}

Gloria Hermanson, MT Psychological Assn.

{Tape: 2; Side: 2; Approx. Time Count: 21.4; Comments: None.}

Corey Laird, MT Catholic Conference. EXHIBIT 18

{Tape: 2; Side: 2; Approx. Time Count: 22.1; Comments: None.}

Rep. Sylvia Bookout, HD 41

{Tape: 2; Side: 2; Approx. Time Count: 23.4; Comments: None.}

Don Allen, MT Medical Assn.

{Tape: 2; Side: 2; Approx. Time Count: 23.8; Comments: None.}

Opponents' Testimony:

Jacqueline Lenmark, American Insurance Assn.

{Tape: 2; Side: 2; Approx. Time Count: 24.1; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 2; Side: 2; Approx. Time Count: 25.6; Comments: None.}

Closing by Sponsor: Sen. Brooks closed. Rep. Bookout to carry.
EXHIBIT 19 AND 20.

{Tape: 3; Side: 1; Approx. Time Count: 22.6; Comments: None.}

HEARING ON SB 181

Opening Statement by Sponsor: Senator Hargrove, S. D. 16
introduced the bill.

{Tape: 3; Side: 2; Approx. Time Count: 0.1; Comments: None.}

Proponents' Testimony:

Mike Garrity, West Yellowstone Tavern Owner.

{Tape: 3; Side: 2; Approx. Time Count: 6.3; Comments: None.}

Tim Daley, West Yellowstone, MT. EXHIBIT 21.

{Tape: 3; Side: 2; Approx. Time Count: 11.2; Comments: None.}

Bill Howell, West Yellowstone. EXHIBIT 22

{Tape: 3; Side: 2; Approx. Time Count: 17.1; Comments: None.}

Clyde Seeley, West Yellowstone Commissioner. EXHIBIT 23.

{Tape: 3; Side: 2; Approx. Time Count: 17.6; Comments: None.}

Glen Loomis, West Yellowstone EXHIBIT 25

{Tape: 3; Side: 2; Approx. Time Count: 19.9; Comments: None.}

Duke Eggers, West Yellowstone. EXHIBIT 24.

{Tape: 3; Side: 2; Approx. Time Count: 21.2; Comments: None.}

Stuart Doggett, Montana Innkeepers Assn.

{Tape: 4; Side: 1; Approx. Time Count: .01; Comments: None.}

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 3/20/97

NAME	PRESENT	ABSENT	EXCUSED
Bruce Simon, Chairman	✓		
Paul Sliter Vice Chairman	✓		
Bob Pavlovich, Vice Chairman	✓		
Joe Barnett	✓		
Rod Bitney	✓		
Sylvia Bookout	✓		
Charles Devaney	✓		
David Ewer	✓		
Kim Gillan	✓		
Billie Krenzler	✓		
Bob Lawson	✓		
Rod Marshall	✓		
Gay Ann Masolo	✓		
Wes Prouse	✓		
Carolyn Squires	✓		
Jay Stovall	✓		
Cliff Trexler	✓		
Joe Tropila	✓		
Carley Tuss	✓		

**HOUSE OF REPRESENTATIVES
VISITORS REGISTER**

BILL NO. SB 234 SUB-COMMITTEE Brooke DATE _____
SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Jacqueline Lenmark	Am. Ins. Assn		✓
Dwight Easton	Farmers Ins Group		✓
FRANK COE	ST. AUGUSTINE	✓	
Gloria Hermanson	MT Psych Assoc	✓	
Dorinda Becker	MT Nurses Assoc	✓	
Mary McCue	MT Clinical Mental Health Coun. Assn	✓	
TANYA ASK	KLBS MT	✓	
Cory Laird	Montana Catholic Con	✓	
LARRY AKEY	NATIONAL ASSOC OF INDEPENDENT INSURERS	✓ W/AMEND	NO
Tom Hapgood	ACLI	✓	
Greg Van Housen	State Farm	✓	
Russ LaVigne	MT Low-Income Coal. MT Welfare Action Coal	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Motion/Vote: Rep. Masolo moved to strike page 2 lines 29 and 30. Motion carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 2.8; Comments: None.}

Motion/Vote: Rep. Devaney moved do concur as amended. Motion carried 18-1. Rep. Prouse voted no. Rep. Devaney to carry.

{Tape: 3; Side: 2; Approx. Time Count: 3.1; Comments: None.}

EXECUTIVE ACTION ON SB 234

Motion: Rep. Bookout moved do concur SB 234.

{Tape: 3; Side: 2; Approx. Time Count: 4.4; Comments: None.}

Motion/Vote: Rep. Bitney moved to adopt Bitney amendments. Motion failed 4-15.

{Tape: 3; Side: 2; Approx. Time Count: 5.0; Comments: None.}

MOTION/VOTE: Rep. Sliter moved to adopt NAILI amendments. Rep. Bookout moves to segregate 1 and 2. Vote on amendments No. 1 carries 18-1. Rep. Sliter voted no. Vote on amendment no 2. carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 16.6; Comments: None.}

Motion/Vote: Rep. Sliter moved do concur SB 234 as amended.

Motion carried 17-2. Reps. Barnett and Trexler voted no.

{Tape: 3; Side: 2; Approx. Time Count: 17.0; Comments: None.}

EXECUTIVE ACTION ON HB 598

Motion: Rep. Trexler moved do pass HB 598.

{Tape: 3; Side: 2; Approx. Time Count: 18.6; Comments: None.}

Motion/Vote: Rep. Trexler moved to adopt Trexler amendments. Motion carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 19.6; Comments: None.}

Motion/Vote: Rep. Devaney moved do pass HB 598 as amended. Motion carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 20.7; Comments: None.}



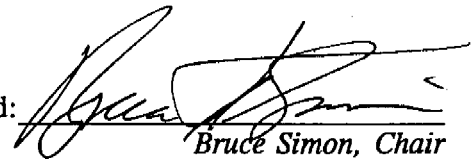
HOUSE STANDING COMMITTEE REPORT

March 24, 1997

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 234** (third reading copy -- blue) be concurred in as amended.

Signed:


Bruce Simon, Chair

And, that such amendments read:

Carried by: Rep. Bookout

1. Page 3, following line 9.

Insert: "(7) This section may not be construed to alter or modify any conditions, exclusions, or limitations clearly stated in an insurance policy or certificate delivered or issued for delivery in Montana that are not otherwise inconsistent with the provisions of subsection (4)."

Renumber: subsequent subsection

-END-


3-24-97

Committee Vote:
Yes 17, No 2.

641513SC.Hgd

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 3/24/97

NAME	PRESENT	ABSENT	EXCUSED
Bruce Simon, Chairman	✓		
Paul Sliter Vice Chairman	✓		
Bob Pavlovich, Vice Chairman	✓		
Joe Barnett	✓		
Rod Bitney	✓		
Sylvia Bookout	✓		
Charles Devaney	✓		
David Ewer	✓		
Kim Gillan	✓		
Billie Krenzler	✓		
Bob Lawson	✓		
Rod Marshall	✓		
Gay Ann Masolo	✓		
Wes Prouse		✓	✗
Carolyn Squires	✗ Carolyn		✗ Carolyn
Jay Stovall	✓		
Cliff Trexler	✓		
Joe Tropila	✓		
Carley Tuss	✓		

DATE 2-4-97

SENATE COMMITTEE ON Bus. + Incl.

BILLS BEING HEARD TODAY: SB 234 ; SB 193
HB 32

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Check One

Name	Representing	Bill No.	Support	Oppose
Eugene R. Thomas	E. Thomas Electric Supply	SB 193	X	
Theodore G. Loward	-	SB 193	X	
Darrell Holzer	MT. ST. AFL-CIO	SB 193		X
Gary Pemble	MT. ST. JATC	SB 193		X
Maria Hermanson	MT Psych Assoc	SB 234	X	
Sheryl Darnon	IBEW #233			X
Joe Walz	Polar Electric	SB 193		
R. Terry Wanda	NECA	SB 193		
Kathy Sewell	Montana Coalition Against Domestic Violence	SB 234	X	
Susan Good	MALU	SB 234		X
Tom Hopgood	ACLI	SB 234		✓
Betty Waddell	MONTANA ASSOCIATION OF CHURCHES	SB 234	X	
Cory Laird	Montana Catholic Conference	SB 234	X	
Connie Griffith	Dept Adm	HB 32	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-4-97

SENATE COMMITTEE ON Bus - Ind

BILLS BEING HEARD TODAY: SB 234, SB 193
HB 32

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Donetta Klein		SB234	☒	☐
Joan Breker	Townsend Elect	SB193	☒	☐
Charles Bramit	Western Valley Elect	SB193	☒	☐
Jack McCleary	Mountain Elec/Billings	SB193	☒	☐
MAX GRIFFIN	ACTION ELEC/Billings	SB193	☒	☐
Alex Young	Arlee High School	SB234	☒	☐

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-4-97

SENATE COMMITTEE ON Bus & Ind.

BILLS BEING HEARD TODAY: SB 234; SB 193
HB-32

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Check One

Name	Representing	Bill No.	Support	Oppose
LARRY AKEY	NAII	234		X
FRANK COTE	ST. Anthony	234	✓	
Kate Cholewa	MT. Womens Lobby	234	✓	
Ron Astabramas	State Farm	234		✓
Wayd Sparach	James Mz	234		✓
Plain Dan	Self	234	✓	
Doug Breker	Townsend Elec	193	✓	
Russ LaVigne	MLIC MWAC	234	✓	
Greg Van Housen	State Farm Ins Co	234		✓
Jaqueline Denmark	Am. Ind. Assoc	234		✓
Ita Lys Abg	Blue Cross + Blue Shield	234	✓	
Dorinda E. Proctor	MT. Nurses Assoc	234	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY